UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,983	07/03/2003	Aldo Rebsamen	GR 01 P 00076	4176

24131 7590 01/26/2007		EXAMINER
LERNER GREENBERG STEMER LLP		KHATTAR, RAJESH
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HOLLYWOOD, FL 33022-2480	ART UNIT	PAPER NUMBER
	3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/611,983	REBSAMEN, ALDO
	Examiner	Art Unit	
	Rajesh Khattar	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*03 July 2003*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☒ Claim(s) *18 and 19* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>*7/28/2006*</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because it should be within the

range of 50-150 words and should not exceed 15 lines of text. Correction is required.

See MPEP § 608.01(b).

Claim Objections

2.   Claims 18 and 19 are objected to because of the following informalities: the claim

language "...steps of posting are dependent upon at least one of a sum of said actual

tariff, timing of said service, and type of service." is confusing. Appropriate correction is

required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claim 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bachtiger et al. Canadian Patent Application No. 2,384,556 (herein after Bachtiger '556)

in view of Kogen et al. US Patent No. 6,687,714 (herein after Kogen '714) and further in

view of Hassett et al. US Patent No. 5,253,162 (herein after Hassett '162).

Bachtiger '556 discloses a method for registration of service using a ticket, the

method comprises the steps of

generating a first data field comprising indication of said registration and ticket identification (claim 34; Table 4 and page 13, lines 21-32);

transmitting said data field to a computer, said computer including storage means having ticket associated records (page 4, lines 20-24; claim 2; Table 4; and page 13, lines 21-32; claims 18 and 19), said records including a second data field comprising indication of an actual account (Applicant's disclosure on page 1, lines 21-29; Bachtiger '556 patent is english version of the International Patent Application WO 01/20557 A1); and

posting an actual tariff to said actual account (Applicant's disclosure on page 3, lines 30-38) thereby generating an updated actual account balance (which is the expected/intended result)

transmitting third data fields from a transceiver to said ticket, said third data fields comprising identification of said service and said tariff (Applicant's disclosure, on page 1, lines 21-29);

storing said third data fields in storage means of said ticket (Applicant's disclosure on page 1, lines 21-29 and Bachtiger '556, claim 2);

transmitting fourth data fields from said ticket to said transceiver, said fourth data fields comprising identification of service location and said ticket identity (Table 4, Information unit INF3, p13);

adding date and time information to said fourth data fields so as to generate modified fourth data fields (claim 2)

storing said modified fourth data fields in a storage means associated with said

transceiver (claim 2)

· transmitting said modified fourth data fields from said transceiver to said remote

computer (claim 2);

calculating an actual cost based upon at least said actual tariff, service, and

service location (p17, lines 21-23);

booking said actual cost to said actual account; and saving said updated actual

account balance associated with said ticket in a storage medium (Applicant's disclosure

on page 1, lines 21-29).

Bachtiger '556 does not specifically teach the creation of a shadow account on

the ticket nor does it describe determining provisional tariff and posting the provisional

tariff to the account.

Kogen '714 discloses a method for paying for service with a ticket (e.g. smart

card, Integrated circuit card, chip card, etc. that possess storage and communication

means), the method comprising the steps of:

maintaining a shadow account on said ticket (column 9, line 38-46).

Kogen '714 neither specifically teach determining/posting provisional tariff to the

shadow account.

Hassett '162 teaches determining a provisional tariff for said service (col. 2, lines

37-47, col. 5, lines 22-30; col.5, lines 65-67; col. 7, lines 62-65) and posting provisional

tariff to an account (Abstract; col. 5, lines 48-55; col. 2, lines 57-60) and thereby

generating an updated account balance (which is the intended or expected result), said

posting being in response to a registration for said service.

Therefore, it would have been obvious for a person having ordinary skills in the

art at the time the invention was made to modify the teachings of Bachtiger '556 to

include the steps of creating a shadow account on the ticket as taught by Kogen '714

and further to include the step of determining/posting the provisional tariff to the account

as taught by Hessett '162. One would have been motivated to do so in order facilitate

registration of the ticket in the event that the ticket holder is in an area where periodic

updates from the remote computer is not possible.

4.   Claim 2 is rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556.

Bachtiger '556 teaches the ticket to possess a display element for displaying information

(page 4 line 25-28 also see claim 17); and said method further comprises the step of

displaying said updated shadow account balance and said provisional tariff on said

display (allows general or specific information to be displayed; page 4, lines 25-28, also

see claim 17 and p22, lines 27-31).

5.   Claim 3 is rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556.

Bachtiger '556 teaches the step of broadcasting a fifth data field so as to cause tickets

located within the range of said broadcasting to display said provisional tariff and said

updated shadow account balance on said display (allows general or specific information

to be displayed; page 4, lines 25-28, also see claim 17).

6.   Claim 4 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over

Bachtiger '556. Bachtiger '556 teaches that the step of broadcasting is performed from

at least one transmitter to a plurality of areas defining at least one of a boarding zone and a passageway zone and the tickets are located within the said areas (p36, claim 14).

7.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger et al. Bachtiger '556 teaches the steps of transmitting said updated actual modified account balance to said ticket; and replacing said shadow account balance with said account balance (the bidirectional communication allows update of data records, p4, lines 20-24).

8.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger '553. Bachtiger '556 teaches the steps of transmitting updated actual modified account balance and shadow account balance are performed periodically (the bidirectional communication allows the periodical update of data records, p. 4, lines 20-24).

9.   Claims 14-17 are rejected over Bachtiger '556. Bachtiger '556 teaches a method for registering tickets wherein the step of storing is limited to fields identifying said ticket (p.17, lines 9-20) and the step of storing further comprises the step of assigning a plurality of fields identifying said ticket to a one of said ticket accounts (p.13, Table 4).

10.   Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachtiger '556. Bachtiger teaches a step of posting is dependent upon at least one of a sum of said actual tariff, timing of said service, and type of service (p. 17, lines 21-23; Note: Examiner's has interpreted the claims as the step of posting is dependent upon at least one of a combination of said actual tariff, timing of said service, and type of service)

11.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bachtiger '556. Bachtiger '556 teaches a method of registering a ticket wherein the

computer is functionally associated with a database (p15, line 6-10 and p. 17, lines 9-

20) and the database comprising data records identifying said tickets (p 17, lines 9-20),

and said data records periodically updated so as to indicate an updated actual account

balance (which is the intended/expected result), and ticket usage status (see e.g. p17,

lines 9-20, the ticket records are transmitted immediately after registration or after the

established completion of a journey; see e.g. p39, claim 25, the presence of tickets is

registered at least once as a ticket record; and p. 4, lines 20-24, the bidirectional

communication allows the periodical update of data records).

12.   Claims 12-13 are rejected under 35 U.S.C. 103(a) as unpatentable over

Bachtiger '556 in view of Kogen '714 and further in view of Hessett '162. Bachtiger '556

discloses a method of registration of ticket. Kogen '714 teaches the use of shadow

account. Bachtiger '556 and Kogen '714 fail to specifically disclose the step of

comparing the balance of shadow account with provisional tariff and displaying an

identifier on the ticket. Hessett '162 teaches the step of comparing the available toll

money (balance of account; col. 3, lines 1-7) with calculated toll amount (provisional

tariff; col. 3, lines 1-7) and comparing said balance of said account with provisional tariff;

and displaying an identifier of a ticket having an account balance less than said

provisional tariff (provides the vehicle operator with an alarm message, which can

include, e.g., an audible alarm and a visual display such as "INSUFFICIENT-MERGE

LEFT"; col. 5, lines 23-42; col. 7, lines 1-12).

Therefore, it would have been obvious for a person with ordinary skills in the art at the time the invention was made to modify the teachings of Bachtiger '556 and Kogen '714 to incorporate the teachings of Hessett '162. One would have been motivated to do so in order to alarm the ticket holder.

13.   Claims 8-11 are rejected under 35 U.S.C. 103(a) as unpatentable over Bachtiger '556 in view of Kogen '714 and Hessett '162 and further in view of Hessett, US Patent No. 5,351,187 (herein after Hessett '187). Bachtiger '556 discloses a method of registration of ticket. Kogen '714 teaches the use of shadow account, Hessett '162 discusses determining/posting provisional tariff to the account. Bachtiger '556, Kogen '714 and Hessett '187 fail to specifically disclose the use of an actuating element that possesses an on/off function. Hessett '187 teaches that the transponder (ticket as described in the claimed invention) contains actuating device, which can be activated/deactivated by an operator (on/off switch). The activation of the actuating device results in setting at least one of a registered service and charging related parameters (col. 3, lines 20-50).

Therefore, it would have been obvious for a person with ordinary skills in the art when the invention was made to modify the teachings of Bachtiger '556, Kogen and Hessett '162 to include an actuating device on the ticket with an on/off switch. One would have been motivated to do so in order for the ticket to continuously process charge related parameters.
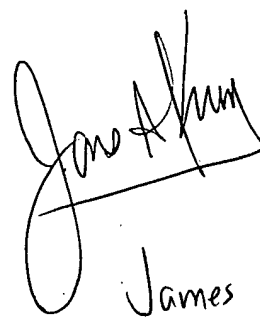
Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure US Patent No. 5122643; 5351187; 6282522; 6889198; US Patent

Application No. 20040101117; 20020034288 and European Patent No. EP 1039403 A2.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rajesh Khattar whose telephone number is 571-272-

7981. The examiner can normally be reached on M-Th 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK
Jan. 8, 2007